

Appl. No. 09/851,999

Amdt. dated December 16, 2003

Reply to Office Action of September 9, 2003

REMARKS/ARGUMENTS

In the Office Action, claim 9 was said to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims as stated in the Office Action.

Claim 1 was rejected under 35 USC 103(a) as unpatentable over the recoil device disclosed in prior art Figure 5 in view of Ida et al (4,978,864) for the reasons stated in the Office Action.

Claim 2 was rejected under 35 USC 103(a) as unpatentable over prior art Figure 5 in view of Ida et al, as applied to claim 1, and further in view of Gotoh (US Patent No. 4,491,754) on the grounds set forth in the Office Action.

Claim 3 was rejected under 35 USC 103(a) as unpatentable over prior art Figure 5 in view of Ida et al, as applied to claim 1, and further in view of Haynes (US Patent No. 4,757,710) for the reasons stated in the Office Action.

Claim 4 was rejected under 35 USC 103(a) as unpatentable over prior art Figure 5 in view of Ida et al and Gotoh, as applied to claim 2, and further in view of Haynes on the grounds set forth in the Office Action.

Claim 5 was rejected under 35 USC 103(a) as unpatentable over prior art Figure 5 in view of Ida et al, as applied to claim 1, and further in view of Ide (US Patent No. 4,038,051) for the reasons stated in the Office Action.

Claim 6 was rejected under 35 USC 103(a) as unpatentable over prior art Figure 5 in view of Ida et al and Gotoh as applied to claim 2, and further in view of Ide on the grounds set forth in the Office Action.

Claim 7 was rejected under 35 USC 103(a) as unpatentable over prior art Figure 5 in view of Ida et al and Haynes as applied to claim 3, and further in view of Ide for the reasons stated in the Office Action.

Claim 8 was rejected under 35 USC 103(a) as unpatentable over prior art Figure 5 in view of Ida et al, Haynes and Gotoh as applied to claim 4, and further in view of Ide on the grounds set forth in the Office Action.

Claims 2, 3, 5 and 9 have been rewritten in independent form. The claims are believed to recite allowable subject matter, in view of the following argument. This argument is believed to overcome the grounds of rejection set forth in the Office Action.

Regarding claim 2, although Gotoh discloses a pipe member, it is not transparent. This is an important distinction over the present invention because the transparency of the pipe provides

visibility to entrapped liquid. This distinction is emphasized in new claim 10.

Regarding claims 3 and 4, a window disclosed in Haynes is for monitoring lubricating oil within a gear case of an engine, which is provided on the gear case housing. In other words, the Haynes's window is not provided on the recoil case, and also does not have a purpose of monitoring muddy water within the recoil case, different from that of the present invention. This point is emphasized in new claim 11, which recites an arrangement of components not shown in Haynes.

Regarding claims 5, 6 and 7, Ide discloses an apparatus for cooling and cleaning the compressed air. Ide discloses a swirl chamber (column 3 at line 55, column 7 at lines 60-68). Thus, Ide's apparatus has a technical field and a purpose very different from that of the present invention. Moreover, Ide's hole 36 has T type of attaching parts 38 attached thereon, and also does not have a mechanism for a lid. The forced-in air is treated for condensation of moisture, and is not used to push liquid out of a drain, the liquid exits by gravity. This point is emphasized in new claim 12.

Enclosed is a Deposit account authorization for 1 extra independent claim in excess of three independent claims.

In the event there are further issues remaining in any respect the Examiner is respectfully requested to telephone attorney to reach agreement to expedite issuance of this application.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Since the present claims set forth the present invention patentably and distinctly, and are not taught by the cited art either taken alone or in combination, this amendment is believed to place this case in condition for allowance and the Examiner is respectfully requested to reconsider the matter, enter this amendment, and to allow all of the claims in this case.

Respectfully submitted


Fusao Tachibana

by: 

MARTIN A. FARBER
Attorney for Applicant
Registered Representative
Registration No.: 22,345

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the accompanying Amendment Upon Final Rejection and Deposit Account Charge of \$86.00 are being facsimile transmitted to the Patent Office on December 16, 2003.


Signed by Martin A. Farber

Dated: December 16, 2003

866 United Nations Plaza
New York, NY 10017
(212) 758-2878